

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOINT MOTION TO CONTINUE SENTENCING

The parties to this matter, by and through the undersigned attorneys, request that the Court continue the sentencing in this matter, presently scheduled for January 12, 2005, until February 17, 2005 or as soon thereafter as is convenient to the Court. As grounds for this request, the parties through counsel states the following:

1. The Probation Department has issued its final Presentence Report which includes objections by the parties. In his objections, defendant argued against an enhancement suggested by the Probation Department; part of that argument concerned the whether and how the Supreme Court's decision in Blakely v. Washington impacted defendant's sentencing.

2. Supreme Court pundits have been predicting that a decision in the Booker and Fanfan matters, cases that the Solicitor General requested expedited hearings on, will be issued imminently. Many speculate that the decision will be amongst those issued next week, the first to be released after the Supreme Court's holiday recess. If the decision is issued next week, the parties will have very little time to assess its impact.

on the instant matter.

3. The parties suggest a February sentencing date will allow ample time for possible Supreme Court clarification of the issue and sufficient time for the parties to submit memoranda and responses.

4. Defendant voluntarily surrendered to the U.S. Marshals and was aware that he was a target of the investigation long before his surrender. Since his release the same day after surrender, defendant has appeared at all court hearings at which his attendance was required and remains on pretrial release. Defendant has complied with all of his conditions of release.

Accordingly, the parties request that the Court continue the sentencing until at least February 17, 2005. The defendant further requests the Court to continue the date to file sentencing memoranda from both parties for the period of time the Court continues the sentencing.

Respectfully submitted,

MICHAEL SULLIVAN
UNITED STATES ATTORNEY

RICHARD RAMEY
By His Attorney,

/s/ Timothy Watkins o/b/o
John A. Capin
Assistant United States
Attorney
United States Courthouse
Suite 9200
1 Courthouse Way
Boston, MA 02210
Tel: 617-748-3264

/s/ Timothy Watkins
Timothy G. Watkins
Federal Defender Office
408 Atlantic Ave. 3rd Floor
Boston, MA 02110
Tel: 617-223-8061